

In re Patent Application of:
MAY ET AL.
Serial No. 10/790,641
Filing Date: MARCH 1, 2004

REMARKS

The Examiner is thanked for the thorough examination of the present application. Independent Claims 1, 13, 21, and 27 have been amended to incorporate the subject matter of their respective dependent Claims 2-3, 14-15, 22-23, and 28-29, which have been cancelled. Additionally, Claims 33-42 are newly added. Support for these claims may be found in the originally filed claims and in paragraphs 0035, 0044, and 0061 of the originally filed specification, for example. No new matter is being added.

Based upon the foregoing and the arguments presented in detail below, it is submitted that the claims are patentable.

I. The Claimed Invention

The present invention is directed to a mobile wireless communications device. As recited in amended independent Claim 1, for example, the device includes a wireless transceiver and a controller cooperating therewith for receiving text messages from a wireless communications network. The controller is switchable between a normal message mode and an audio message mode. The device further includes a user interface device connected to the controller for receiving at least one audio mode filter parameter from a user, and a headset output connected to the controller. The controller, when in the audio message mode, selects received text messages based upon the at least one audio mode filter parameter, and outputs audio messages comprising speech generated from the selected text messages via the headset output, the

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controller switching between the normal message mode and the audio message mode based upon a connection between the headset output and a headset.

Independent Claim 33 is directed to a similar mobile wireless communications device, and independent Claim 13 is directed to a related communications system. Furthermore, independent Claims 21 and 38 are directed to related methods, and independent Claim 27 is directed to a related computer-readable medium.

II. The Claims Are Patentable

The Examiner rejected dependent Claims 3, 15, 23, and 29 (the subject matter of which has been added to independent Claims 1, 13, 21, and 27, respectively) based upon U.S. Patent No. 6,181,956 to Koskan. Koskan discloses a communications device (i.e., cell phone) to be worn by a user that is coupled to an earpiece by a communication link. The communications device is operable in first and second operating modes. When in the first operating mode, the device receives and presents text-based messages in human readable form to the user via a user interface. When in the second operating mode, the received message is converted to audible form using a text-to-speech synthesizer and presented to the user via the earpiece. In one embodiment, the base device automatically switches to the second operating mode based upon a characteristic of the received message, such as a

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keyword present in the received message or an indication of the message type.

It is respectfully submitted that Koskan fails to teach all of the recitations of the above-noted independent claims as amended. More particularly, this reference fails to teach a controller that switches between a normal message mode and an audio message mode based upon a connection between the audio (e.g., headset) output and an audio device (e.g., headset). To the contrary, Koskan assumes a communications link or connection between the earpiece and the base device, and the device switches to the second operating mode "automatically" based upon receiving a message with a particular keyword. Yet, Koskan gives no consideration to what happens when the earpiece is not connected. Thus, if the user of such a system forgets to manually switch back to the first mode, or if the device automatically switches to the second mode for messages with certain keywords, etc., the user would not be presented with a "human readable form" of the message despite the earpiece not being linked to the device. See, e.g., FIG. 4, Blocks **430-465**. This would result in a significant inconvenience for the user.

In stark contrast, as amended the above-noted independent Claims 1, 13, 21 and 27 recite that the controller switches between the normal message mode and the audio message mode based upon a connection between the headset output and a headset. Thus, the user advantageously need not be bothered with manually turning off the audio message mode, or be concerned with

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not receiving a text version of a message because it is instead converted to audio even though the headset is not connected or linked to the device.

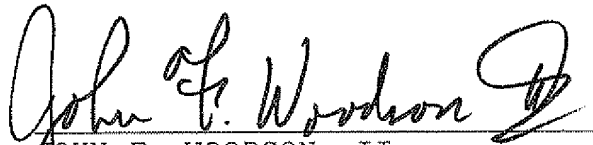
Since none of the remaining prior art of record properly provides the above-noted deficiencies, it is respectfully submitted that independent Claims 1, 13, 21, and 27 are patentable over the prior art. Additionally, since newly added independent Claims 33 and 38 similarly recite switching between a normal message mode and an audio message mode based upon a connection between an audio output and an audio device, these claims are also patentable for the same reasons discussed above. The respective dependent claims of independent Claims 1, 13, 21, 27, 33 and 38, which recite still further distinguishing features, are also patentable and require no further discussion herein.

CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

A handwritten signature in dark ink, reading "John F. Woodson, II". The signature is fluid and cursive, with a large, stylized "J" and "W".

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